

**CITY OF ALBANY COMMON COUNCIL
MINUTES OF A REGULAR MEETING**

MONDAY, NOVEMBER 6, 2017

Members Present: Council Members Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, O'Brien, Council President McLaughlin

Staff Present: Gerald Campbell, Marisa Franchini

The roll being called, the meeting was called to order by President McLaughlin at 7:10pm; Council Member O'Brien led the body in reciting the Pledge of Allegiance followed by a Moment of Silence.

Public Hearing

President McLaughlin opened the Public Hearing on the proposed 2018 City of Albany Budget. The following member of the public spoke:

Fred Phieffer – 124 N. Pine Avenue Albany, NY 12202

There being no further speakers, the public hearing was declared closed.

Public Comment Period

The following members of the public spoke:

Marc Gronich – 300 Hackett Blvd, Albany, NY 12208 – Topic: PEG Access

Nancy Benedict – 31 Forest Rd, Delmar, NY 12054 – Topic: Citizens for Public Transportation

Vincent Riguso – 13 Beach Avenue, Albany, NY 12203 – Topic: PEG Access

Alana Klein - 29 Glenwood Street, Albany, NY 12208 – Topic: Kneeling During the Anthem

Dennis Karius – 13 York Rd, Albany, NY 12203 – Topic: PEG Access

Zachary Simpson – 175 Homestead Avenue, Albany, NY 12206 – Topic: PEG Access

Tom Ellis - 43 N. Pine Avenue – Topic: Coeymans Land Sale

Mary Kelly – 41 Ten Eyck Ave Fl 1, Albany, NY 12209 – Topic: Sr. Tax Exemption/Residential Property Ordinances

Gene Solan – 16 Prospect Terrace, Albany, NY 12208 – Topic: PEG Access

There being no further speakers, President McLaughlin declared the Public Comment Period closed.

Approval of Minutes from Previous Meeting

President Pro Tem Conti made a motion, which was duly seconded, to approve the minutes of the October 16, 2017 meeting of the Common Council; the motion was adopted by unanimous voice vote.

Consideration of Local Laws

President Pro Tem Conti held the Local Laws on the agenda for further consideration.

Reports of Standing and Ad Hoc Committees

Finance, Assessment and Taxation: Council Member Doesschate reported that departmental presentations on the budget had been completed and that the committee would now focus on developing budget recommendations for the full Council to consider.

Consideration of Ordinances

Council Member Doesschate noticed the introduction of Ordinance Number 41.111.17, which was referred to the Finance, Assessment and Taxation Committee.

Ordinance Number 41.111.17

AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE MAYOR ON OCTOBER 2, 2017, FOR FISCAL YEAR 2018

The City of Albany in Common Council convened, does hereby ordain and enact:

Section 1. The budget as presented by the Mayor on October 2, 2016, is hereby adopted as and for the Budget of the City of Albany for fiscal year 2018.

Section 2. It is hereby ordered and directed that the sums set forth therein as expenditures are hereby appropriated in the amounts and for the several departments, offices and purposes specified therein.

Section 3. It is further hereby ordered and directed that the sums set forth therein as revenues and the moneys necessary to be raised by tax in addition thereto to pay the expenses of conducting the business of the City shall be and are hereby applicable in the amounts specified for the purpose of meeting said appropriations.

Section 4. This ordinance shall be effective immediately.

President Pro Tem Conti, on behalf of Council Member Bailey, noticed the introduction of Ordinance 42.111.17, which was referred to the Law, Buildings and Code Committee.

Ordinance 42.111.17

AN ORDINANCE AMENDING ARTICLE V (UNNECESSARY AND UNUSUAL NOISES) OF CHAPTER 255 (PEACE AND GOOD ORDER) IN ORDER TO CREATE AN EXCEPTION TO THE NOISE ORDINANCE FOR LABOR-RELATED ACTIVITIES

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Paragraph 24 (General Restrictions) of Article V (Unnecessary and Unusual Noises) of Chapter 255 (Peace and Good Order) of the Code of the City of Albany is hereby amended to read as follows:

It shall be unlawful for any person to make, continue or cause or permit to be made or continued any unreasonable, unnecessary or unusual noise, between the hours of 6:00 a.m. and 8:00 p.m., which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable

person of normal sensitivities or to make, continue or cause to be made or continued, between the hours of 8:00 p.m. and 6:00 a.m., whether in the operation of any machine or the exercise of any trade or calling or in the use of or operation of any radio, receiving set, musical instrument, phonograph, television set or other machine or device for the production or reproduction of sound or otherwise, any noise which either annoys, injures or endangers the comfort, repose, health or safety of a reasonable person of normal sensitivities, unless the making and continuing of the same shall be necessary for the reasonable protection or preservation of life or property or for the health, safety or life of some person or made in connection with governmental functions or activities conducted in furtherance of the public health, safety, welfare or convenience. Between the hours of 6:00 a.m. and 8:00 p.m. this section shall not apply to activities regulated by the national labor relations act, as amended, the railway labor act, as amended, or the federal employment labor management act, as amended.

Section 2. Paragraph 25 (Public Places) of Article V (Unnecessary and Unusual Noises) of Chapter 255 (Peace and Good Order) of the Code of the City of Albany is hereby amended to read as follows:

It shall be unlawful for any person to ring any hand bell, beat or strike any pan, pail or other like article or sound any gong or blow any whistle or horn or other than musical instruments when used as part of a band of music except to give necessary signals upon a street car, motor vehicle, motorcycle, bicycle or similar vehicle or to hawk, cry or call out the sale of goods at auction or otherwise or to gain passengers for any cab, hack, taxi or other vehicle or to make, aid, continue, encourage or assist in making any other or unusual noise upon any street or other public place or in close proximity thereto so as to be distinctly and loudly audible upon any such street or place in the City of Albany. Between the hours of 6:00 a.m. and 8:00 p.m. this section shall not apply to activities regulated by the national labor relations act, as amended, the railway labor act, as amended, or the federal employment labor management act, as amended.

Section 3. Paragraph 29 (Sound-producing Devices) of Article V (Unnecessary and Unusual Noises) of Chapter 255 (Peace and Good Order) of the Code of the City of Albany is hereby amended to read as follows:

A. No person shall use or operate or cause to be used or operated, in front of or outside any building, place or premises, or in or through any window, doorway or opening of such building, place or premises, or upon any public street or place or on any vehicle thereon, any device or apparatus for the amplification of sounds from any radio, phonograph or other sound-making or sound-reproducing device without a permit from the Chief of Police. The Chief of Police, in exercising his discretion, may withhold a permit if he has reasonable cause to believe that the permit will foster a violation of this article. B. No such permit shall be issued for operation of the above-mentioned sound devices within 250 feet of a school, hospital or similar institution, court or place of worship during the times specified for these institutions in § 255-26 if the production of such sound will disrupt or tend to disturb the peace or good order of the activities within. Between the hours of 6:00 a.m. and 8:00 p.m. this section shall not apply to activities regulated by the national labor relations act, as amended, the railway labor act, as amended, or the federal employment labor management act, as amended.

Section 4. Paragraph 31 (Streets or Public Places) of Article V (Unnecessary and Unusual Noises) of Chapter 255 (Peace and Good Order) of the Code of the City of Albany is hereby amended to read as follows:

It shall be unlawful for any person to make, aid or encourage or assist in making any unusual, unnecessary or improper noise, riot or disturbance in any street or public place to the annoyance or inconvenience of travelers, or to reasonable persons of normal sensitivities residing adjacent thereto, nor shall any person use any profane, obscene or vulgar language in any street or public place. Between the hours of 6:00 a.m. and 8:00 p.m. this section shall not apply to activities regulated by the national labor relations act, as amended, the railway labor act, as amended, or the federal employment labor management act, as amended.

Section 5. This ordinance shall take effect ninety days after final passage, public hearing and filing with the Secretary of State.

President Pro Tem Conti, on behalf of Council Member Bailey, moved for the passage of Ordinance Number 39.102.17 (**AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT EASEMENT TO THE ALBANY PARKING AUTHORITY FOR THE USE AND OCCUPANCY OVER, UPON AND UNDER A PORTION OF THE CITY RIGHT-OF-WAY ON THE CORNER OF ORANGE STREET AND WATER STREET**), which had been previously introduced, and requested a roll call vote thereon.

President McLaughlin called for a roll-call vote thereon and the ordinance was adopted.

Affirmative: 10 Negative: 0 Abstentions: 0 Present: 0

Affirmative: Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, O'Brien

Council Member O'Brien moved to amend Ordinance Number 40.92.17, and the ordinance being amended, moved for passage and a roll call vote thereon.

Ordinance Number 40.92.17 (as amended)

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO CERTAIN PROPERTIES LOCATED IN THE TOWN OF COEYMANS, NEW YORK AT PRIVATE SALE TO CM RECYCLING, LLC

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to the City-owned properties located in the Town of Coeymans, New York known as Stylababrack Road (Tax Map #144.-2-18), 320 Old Ravena Road (Tax Map #144.-2-20) and River Road (Tax Map #156.-3-1.2) be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to CM RECYCLING, LLC.

SUBJECT to all easements, restrictions and rights-of-way of record.

Section 2. It is hereby determined that the aforesaid properties have been abandoned for municipal or public purposes.

Section 3. The Council finds and declares that this action is a Type 1 action and is subject to the provisions of the New York State Environmental Conservation Law and the regulations

promulgated thereunder (SEQRA), determines to adopt, after review and consideration, Parts 2 and 3 of the Full Environmental Assessment Form and declares that the conveyance has no significant adverse impacts upon the environment and therefore issues a Negative Declaration of Environmental Significance, as attached.

Section 4. The contract sale shall include provisions protecting the City resident's interest against any potential "flipping" of the properties, i.e. resale of the properties for a profit within five years of the purchase. The form, content, terms and conditions of such conveyance shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.

Section 5. This ordinance shall take effect immediately.

Council Member O'Brien and President Pro Tem Conti spoke on Ordinance 40.92.17 prior to passage.

President McLaughlin called for a roll-call vote thereon and the ordinance was adopted.

Affirmative: 9 Negative: 1 Abstentions: 0 Present: 0

Affirmative: Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, O'Brien

Negative: Commisso

President Pro Tem Conti held the remaining ordinances on the agenda.

Consideration of Resolutions

Council Member Golby offered Resolution 58.111.17R, requested passage and a vote thereon.

RESOLUTION NUMBER 58.111.17R*

A RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE (PIN 1760.25)

WHEREAS, a Project Madison Avenue Road Diet Phase II P.I.N. 1760.25 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratios of 90 % Federal funds and 10 % non-federal funds; and 100 % Federal funds and 0 % non-federal funds; and

WHEREAS, the City of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design, Construction/Construction Inspection
NOW, THEREFORE, the Common Council duly convened does hereby

RESOLVE, that the Common Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Design, Construction/Construction Inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$320,000.00 has been appropriated pursuant to Ordinance Nos. 26.41.11, 15.41.14, and 22.31.16 and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that the additional sum of \$3,534,856,000.00 to be appropriated pursuant to Ordinance Nos. 14.41.14, 22.31.16, 19.21.17, 11.21.17, and 7.21.17 and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Albany shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Albany be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Albany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately

President McLaughlin called for a VOICE VOTE thereon; the resolution was adopted by unanimous voice vote.

*Resoultion 58.111.17R was co-sponsored by Council Members Conti, Doesschate, Herring and Igoe

Council Member Doesschate offered Resolution 59.111.17R, requested passage and a vote thereon.

Resolution Number 59.111.17R

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO AN ADJUSTMENT IN SALARY FOR CERTAIN POSITIONS IN THE DEPARTMENT OF GENERAL SERVICES FOR THE 2017 BUDGET

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any transfer of budgeted funds that affects a salary total that occurs outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, the Commissioner of the Department of General Services has requested 2017 budget amendments increasing the salary of the Chief Supervisor from \$53,876 to \$61,236; the Deputy Supervisor from \$46,152 to \$52,440; and Building Alterations Coordinator from \$56,710 to \$64,479;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds affecting the salary totals for the positions of Chief Supervisor, Deputy Supervisor and Buildings Alterations Coordinator for the 2017 Budget.

President McLaughlin called for a VOICE VOTE thereon; the resolution was adopted by unanimous voice vote.

Council Member Golby offered Resolution Number 60.111.17R, requested passage and a vote thereon.

Resolution Number 60.111.17R

RESOLUTION OF THE COMMON COUNCIL APPOINTING MEMBERS OF THE CITIZENS' POLICE REVIEW BOARD

NOW, THEREFORE, BE IT RESOLVED, that the following individuals be and are hereby appointed as a member of the Citizens' Police Review Board for terms as indicated by their names pursuant to Section 42-346 of the Code of the City of Albany :

- ZACHARY J. GARAFALO for a term ending October 26, 2019;
- MATTHEW C. INGRAM for a term ending October 26, 2018;
- VENEILYA HARDEN for a term ending October 26, 2018;
- JOHN T EVERS, for a term ending October 26, 2020.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

President McLaughlin called for a VOICE VOTE thereon; the resolution was adopted by unanimous voice vote.

Council Member Herring offered Resolution Number 61.111.17R which was referred to the Planning, Economic Development and Land Use Committee.

Resolution Number 61.111.17R

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF CHRISTOPHER SPENCER AS THE COMMISSIONER OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, appointed Christopher Spencer as the Commissioner of the Department of Planning and Development;

NOW, THEREFORE, BE IT RESOLVED that Christopher Spencer is hereby confirmed as the Commissioner of the Department of Planning and Development.

President Pro Tem Conti held the remaining resolutions on the agenda for further consideration.

Miscellaneous or Unfinished Business

Council Member Herring offered the following which was adopted by unanimous Voice Vote:

RESOLVED THAT THE FOLLOWING PERSONS BE AND HEREBY ARE APPOINTED COMMISSIONERS OF DEEDS FOR THE CITY OF ALBANY, NEW YORK FOR THE TERM ENDING DECEMBER 31, 2018, AND WAIVE THE READING OF THE NAMES:

Cornwall, Collington – Albany County Finance, 112 State Street, Room 1340

Janiszak, Susan – Albany County Finance, 112 State Street, Room 1340

Luu, Aileen -- Albany County Finance, 112 State Street, Room 1340

Munhall, Kimberly -- Albany County Finance, 112 State Street, Room 1340

Council Member Doesschate addressed comments made by Marc Gronich during the Public Comment period earlier in the evening regarding his interactions with Council Member Applrys.

Adjournment

There being no further business, President Pro Tem Conti made a motion to adjourn which was duly seconded and adopted by unanimous voice vote; the meeting adjourned at approximately 8:30pm.

Respectfully Submitted

Gerald Campbell

Clerk to the Common Council